

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

HALEY HARGIS, as Personal Representative of the ESTATE OF JONATHAN MARK HARGIS,)
Plaintiff,)
v.) Docket No.: 2:22-cv-00011
OVERTON COUNTY, TENNESSEE,)
CITY OF LIVINGSTON, MELISSA)
BARNES, AMANDA POORE,)
DONALD SHAVER, DUSTIN)
PETTIT, AMBER BEATY, DAVID)
NELSON, SAMUEL WEBB,)
CHRISTENA SAKKINEN, MELODY)
CRAWFORD, BRITTANY SIDWELL,)
MICHAEL THARP, J.D. MASTERS,)
THOMAS JOHNSON, and JEREMY)
LAYCOCK,)
Defendants.)

**STATEMENT OF UNDISPUTED FACTS IN SUPPORT OF THEIR MOTION
FOR SUMMARY JUDGMENT BY DEFENDANTS OVERTON COUNTY,
TENNESSEE, MELISSA BARNES, AMANDA POORE, DONALD SHAVER,
DUSTIN PETTIT, AMBER BEATY, DAVID NELSON, SAMUEL WEBB,
CHRISTENA SAKKINEN, MELODY CRAWFORD, BRITTANY SIDWELL,
AND MICHAEL THARP**

Defendants, Overton County, Tennessee, Melissa Barnes, Amanda Poore, Donald Shaver, Dustin Pettit, Amber Beaty, David Nelson, Samuel Webb, Christena Sakkinen, Melody Crawford, Brittany Sidwell, and Michael Tharp file this Statement of Undisputed Material Facts in Support of their Motion for Summary Judgment.

1. Around 7:58 a.m. on March 29, 2021, the Overton County Jail (“the jail”) received a call from Officer Masters with the LPD that he was bringing in an unruly male to the jail. (Beaty Decl., ¶¶ 4-6).

RESPONSE:

2. He asked that the sally port be cleared and that at least two (2) corrections officers meet him outside. *Id.* Officers Pettit and Beaty arrived to assist. (Beaty Decl., ¶ 4; Pettit Decl., ¶¶ 3-4).

RESPONSE:

3. While patting Hargis down upon his arrival, he tried to pull a sticker off the wall. (Beaty Decl., ¶ 4; Pettit Decl., ¶¶ 3-4).

RESPONSE:

4. Hargis resisted being put in the cell, causing Beaty to suffer a severe sprained ankle. (Beaty Decl., ¶ 4; Pettit Decl., ¶¶ 3-4).

RESPONSE:

5. Hargis was ultimately placed in an observation cell in the booking area. (Beaty Decl., ¶ 4; Pettit Decl., ¶¶ 3-4).

RESPONSE:

6. Masters told Beaty and Pettit that he was being brought in as a mental health hold, that the doctor had signed off on it, and that Officer Johnson would be bringing the paperwork from the hospital. (Beaty Decl., ¶ 4; Pettit Decl., ¶¶ 3-4).

RESPONSE:

7. When asked if Hargis had any charges, Masters responded “no charges right now . . . but the day’s not over though.” (Beaty Decl., ¶ 4; Pettit Decl., ¶¶ 3-4).

RESPONSE:

8. Beaty and Pettit understood this to mean that charges against Hargis may be coming. (Beaty Decl., ¶ 4; Pettit Decl., ¶¶ 3-4).

RESPONSE:

9. Nonetheless, they put Hargis on medical observation, where he was monitored every fifteen (15) minutes. (Beaty Decl., ¶ 4; Pettit Decl., ¶¶ 3-4).

RESPONSE:

10. Around 1:24 p.m., Hargis was taken to the jail nurse to be evaluated by a Crisis counselor. (Pettit Decl., ¶ 5).

RESPONSE:

11. Hargis became aggressive during the evaluation and Pettit had to call for backup when escorting Hargis back to the cell. (Pettit Decl., ¶ 5).

RESPONSE:

12. At 1:34 p.m., Jesse Savage with Crisis noted that “patient continues to speak to souls unseen. Took off his clothes and tied them in knots to hang himself. He still thinks everyone is trying to hurt him in some way.” (Oldham Depo., pp. 57:9-58:4).

RESPONSE:

13. This information was communicated to Dr. Oldham at LRH, who signed the 6404 and referred Hargis to Moccasin Bend, a mental health facility. (Oldham Depo, pp. 59:17-61:4; Crisis Records D.E. 65-7).

RESPONSE:

14. On March 30, the crisis counselor followed up with Moccasin Bend regarding further evaluation of Mr. Hargis. Hargis was due for assessment on March 30. (Crisis Records, p. 20).

RESPONSE:

15. On March 30, 2021, around 12:54 p.m., Officers Webb and Sakkinen noticed that Hargis was bleeding, as he was attempting to claw his eyes. (Webb Decl., ¶ 3; Sakkinen Decl., ¶ 3).

RESPONSE:

16 Officers Pettit, Nelson, and Shaver were radioed to assist. (Pettit Decl., ¶¶ 6-7; Nelson Decl., ¶ 3; Shaver Decl., ¶ 3).

RESPONSE:

17. The officers told Hargis they were going to put him in a restraint chair for his safety, and so he could be cleaned up and evaluated by the nurse. (Pettit Decl., ¶¶ 6-7; Nelson Decl., ¶ 3; Shaver Decl., ¶ 3).

RESPONSE:

18. Hargis submitted to being handcuffed in the front through the pie flap. (Pettit Decl., ¶¶ 6-7; Nelson Decl., ¶ 3; Shaver Decl., ¶ 3).

RESPONSE:

19. Shortly after Pettit opened the cell door, Hargis charged out at the officers, and they assisted him to the ground. (Tim Poore Decl., Exhibit 2, 12:56:55-12:57:05 Pettit Decl., ¶ 7).

RESPONSE:

20. Hargis turned over and lay flat on his stomach with his arms above his head. (Tim Poore Decl., 12:57:14).

RESPONSE:

21. Pettit, Nelson, and Shaver kept their hands on Hargis while Webb retrieved leg shackles. (*Id.*, 12:57:00-12:58:20; Pettit Decl., ¶ 8).

RESPONSE:

22. Nelson then put the shackles on Mr. Hargis's ankles. (Tim Poore Decl., 12:57:00-12:58:20).

RESPONSE:

23. Pettit and Shaver assisted Hargis to his knees to attempt to get him in the restraint chair. (Tim Poore Decl., 12:58:36; Pettit Decl., ¶¶ 8-9; Shaver Decl., ¶ 5).

RESPONSE:

24. Hargis then lunged back down to the ground to his stomach. (Tim Poore Decl., 12:58:36; Pettit Decl., ¶¶ 8-9; Shaver Decl., ¶ 5).

RESPONSE:

25. Nelson and Pettit placed their hands on Hargis's arms. (Pettit Decl., ¶ 9).

RESPONSE:

26. Hargis lay on the ground for approximately three (3) minutes, then said "Let's do this," so the officers again tried to move Hargis to the restraint chair. (Pettit Decl., ¶¶ 10-11; T. Poore Decl., Exhibit 2, 12:59:00-1:02:07; Shaver Decl., ¶ 7).

RESPONSE:

27. He continued to resist their attempts and then sat down in front of the restraint chair. (Pettit Decl., ¶¶ 10-11; T. Poore Decl., Exhibit 2, 12:59:00-1:02:07; Shaver Decl., ¶ 7).

RESPONSE:

28. The officers tried to grab Hargis's forearms and underneath his arms to get him in the restraint chair. (Pettit Decl., ¶ 11).

RESPONSE:

29. Hargis was naked and covered in sweat, urine, and feces, and it was hard for the officers to get a good grip anywhere on his body. (Pettit Decl., ¶ 14).

RESPONSE:

30. He would remain still for stretches of time and then make sudden jerky movements where he seemed to have bursts of energy. (Pettit Decl., ¶ 12; Webb Decl., ¶ 4; Barnes Decl., ¶ 5).

RESPONSE:

31. After struggling more with the officers, Hargis knelt in front of the chair for approximately four (4) minutes. (Tim Poore Decl., Exhibit 2, 1:02:47-1:07:00).

RESPONSE:

32. During this time, Nelson, Webb, and Pettit placed soft hands on Hargis to anticipate his next move. (Pettit Decl., ¶ 12; Webb Decl., ¶ 6; Shaver Decl., ¶ 7).

RESPONSE:

33. Hargis continued to bring his hands to his face in what was believed to be an attempt to further harm himself. (Pettit Decl., ¶ 13; Barnes Decl., ¶ 5).

RESPONSE:

34. He yelled incoherently during most of the incident, but none of the officers ever yelled or raised their voice at Hargis. (Barnes Decl., ¶¶ 5-6).

RESPONSE:

35. Hargis started struggling again and jerked to the floor out of the officers' grip, hitting his head on the ground. (Tim Poore Decl., Exhibit 2, 1:07:00-1:08:39; Petti Decl., ¶ 15).

RESPONSE:

36. Beaty, who was working in the tower due to her injury the previous day, could see the incident from the security cameras and called the deputy break room for available deputies. (Beaty Decl., ¶¶ 6-7).

RESPONSE:

37. Lt. Mike Tharp with the department's road division responded to assist. (Tharp Decl., ¶¶ 2-3).

RESPONSE:

38. Over the next minute, Hargis lay on his side and moved his hands to his face; jerked over onto his stomach and pulled his hands underneath his body; and then pulled his hands above his head, each time controlling his own movements. (Pettit Decl., ¶¶ 15-16; Shaver Decl., ¶ 8).

RESPONSE:

39. Hargis was trying to bring his hands to his face and attempting to bang his head and face into the ground, so Pettit put his hand on the back of his head to keep him from hurting himself. ((Pettit Decl., ¶¶ 15-16; Shaver Decl., ¶ 8; Webb Decl., ¶ 8).

RESPONSE:

40. Nelson and Pettit at times would put their hands on Hargis's head to keep him from banging it on the floor, but never put any pressure on his head. (Pettit Decl., ¶ 16; Nelson Decl., ¶ 5).

RESPONSE:

41. Hargis started kicking his legs, so Shaver and Tharp got to the ground to control his legs. (Shaver Decl., ¶ 8; Tharp Decl., ¶ 4).

RESPONSE:

42. Tharp put his shin on the upper part of Hargis's thigh. (Tharp Decl., ¶ 4).

RESPONSE:

43. The officers had a hard time getting a grip on him to help control his movements. (Pettit Decl., ¶ 16).

RESPONSE:

44. Nurse Darlene Grimsley, who had been in and out of the booking area during the incident, gave Hargis a shot to try to get him to calm down. (Poore Decl., Exhibit 2, 1:08:48; Pettit Decl., ¶ 16).

RESPONSE:

45. The officers were able to get Hargis up on his knees, but he fell again to the floor. At that time, Pettit's fingers got tangled in the chain of Hargis's handcuffs. (Pettit Decl., ¶¶ 17-18; T. Poore Decl., Exhibit 2, 1:11:21).

RESPONSE:

46. Hargis was laying on his left side, then suddenly moved onto his stomach and pulled his hands out in front of him. (Tim Poore Decl., Exhibit 2, 1:11:47).

RESPONSE:

47. This caused Pettit to be pulled over on top of Hargis's torso. (Tim Poore Decl., Exhibit 2, 1:11:47; Pettit Decl., ¶ 18; Webb Decl., ¶ 10).

RESPONSE:

48. Tharp told Pettit to get up so they could try to control Hargis another way, but Pettit could not move off Hargis. (Tharp Decl., ¶ 5).

RESPONSE:

49. Every time Pettit would try to get up, Hargis would roll or pull his hands, which pull Pettit further on top of Hargis. (Tharp Decl., ¶ 5).

RESPONSE:

50. Nelson and Pettit tried to raise his body off Hargis while the other officers attempted to get his fingers unstuck. (Pettit Decl., ¶ 18; Nelson Decl., ¶ 5).

RESPONSE:

51. Hargis continued to kick his legs, so Poore put her foot on the chain of the leg shackles to further control his movements. (Amanda Poore Decl., ¶¶ 9-10).

RESPONSE:

52. After some maneuvering due to Hargis being so stiff, Barnes was able to get Pettit's fingers unstuck after approximately two (2) minutes. (Barnes Decl., ¶ 7; Webb Decl., ¶ 10; Tim Poore Decl., Exhibit 2, 1:13:43).

RESPONSE:

53. After Pettit was freed, he and Nelson placed their hands on Hargis's back, Barnes and Webb kept their hands on Hargis's arms, Tharp and Shaver kept their hands on Hargis's legs, and Poore kept her foot on the shackles. (Pettit Decl., ¶ 19; Tharp Decl., ¶ 6; Webb Decl., ¶ 11; Barnes, ¶ 8; Sakkinen Decl., ¶ 8; Nelson Decl., ¶ 5).

RESPONSE:

54. No one was applying pressure but were using soft hand techniques to anticipate Hargis's next movements. (Pettit Decl., ¶ 19; Tharp Decl., ¶ 6; Webb Decl., ¶ 11; Barnes, ¶ 8; Sakkinen Decl., ¶ 8; Nelson Decl., ¶ 5).

RESPONSE:

55. Nelson did not have his knee on Hargis's back. (Nelson Decl., ¶ 5; Sakkinen Decl., ¶ 5).

RESPONSE:

56. Nelson never applied any pressure to Hargis's neck or neck. (Nelson Decl., ¶ 5).

RESPONSE:

57. Barnes tried to talk to Hargis to calm him down and let him know the officers were there to help. (Barnes Decl., ¶ 8).

RESPONSE:

58. After a minute or so, the officers' noticed Hargis was not moving. (Barnes Decl., ¶ 9).

RESPONSE:

59. They turned him over and found he was unresponsive. (Barnes Decl., ¶ 9).

RESPONSE:

60. The officers did not discover Hargis was not moving until after Pettit's hands were free. (*Id.*).

RESPONSE:

61. Sidwell and Crawford were in and out of the booking area during the incident with Hargis. (T. Poore Decl., Exhibit 3).

RESPONSE:

62. While they both observed portions of the incident, they did not see the officers use any more force than was necessary to gain control of Hargis in order to get him in the restraint chair. (Sidwell Decl., ¶¶ 4-6; Crawford Decl., ¶ 5).

RESPONSE:

63. Sidwell nor Crawford ever saw the officers gain compliance over Hargis. (*Id.*).

RESPONSE:

64. At 1:11, before Pettit's fingers got stuck in the handcuffs, Sidwell went behind the booking desk to answer phones and remained behind the desk until right before EMS came to take Hargis to the hospital. She could not have seen the officers' interactions with Hargis during that time. (Sidwell Decl., ¶ 5).

RESPONSE:

65. From the tower, Beaty never saw the officers gain compliance or control of Hargis. (Beaty Decl., ¶ 8).

RESPONSE:

66. Beaty was on crutches; thus, it was difficult for her to get around, and she had to continue monitoring the rest of the jail's security monitors. (*Id.*, ¶ 6).

RESPONSE:

67. After observing Hargis clawing at his eyes and alerting the officers to help, Sakkinnen stayed close by to assist if needed. (Sakkinnen Decl., ¶¶ 3-5).

RESPONSE:

68. Sakkinnen briefly assisted in trying to get Pettit's hands free from the handcuffs, but that was the only time she touched Hargis. (*Id.*, ¶ 7).

RESPONSE:

69. Sakkinnen did not observe any of the officers using excessive force on Hargis. She saw all of the officers using soft hands on Hargis, despite him seeming to have "super strength" as he fought attempts for the officers to help him. (*Id.*, ¶ 5).

RESPONSE:

70. The only time Sakkinen saw any pressure being put on Hargis in a concerning manner was when Pettit's fingers got stuck in the handcuffs and his body was pulled on top of Hargis's torso. (*Id.*, ¶¶ 5-7).

RESPONSE:

71. Sakkinen believed everyone was doing their best to help Hargis and keep him from hurting his eye further. (*Id.*, ¶ 6).

RESPONSE:

72. Each of the County defendants received BASIC training consisting of 40 hours to obtain their state certification as corrections officers. (Garrett Decl., ¶ 9).

RESPONSE:

73. These defendants then received 40 hours in-service hours annually as well as their on the job training as mandated by the State of Tennessee. *Id.*

RESPONSE:

74. There is no history of complaints regarding these defendants or information which would have made known that additional training was necessary. *Id.* at ¶ 10-11.

RESPONSE:

75. Correctional officers are not required to have training themselves to provide medical care or treatment. *Id.* at ¶ 9.

RESPONSE:

76. The jail is only required to have one person on each shift who can perform CPR. *Id.*

RESPONSE:

77. The County defendants had all undergone CPR training. *Id.*

RESPONSE:

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this the 23rd day of August, 2023, a true and correct copy of the foregoing has been forwarded via the Court's electronic filing system to:

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